

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Jose Escobedo, and)
Francisco Escobedo, on behalf of)
themselves and all other plaintiffs similarly)
situated,)

Plaintiffs,)

v.)

Case No.: 17-cv-682

Oswego Junction Enterprises LLC,)
d/b/a Prohibition Junction Sports)
Bar & Grill, and Kevin Fialko)
Defendants.)

**AGREED JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT AND
STIPULATION OF DISMISSAL**

Plaintiffs and Defendants hereby request the Court to approve the settlement of this action. Upon approval of this settlement, the parties, pursuant to Fed.R.Civ.Pro 41(a) hereby stipulate to the dismissal of the plaintiffs' claims without costs. In support of this motion, the parties state as follows:

1. This matter arises out of plaintiffs' employment with Defendant.
2. Among the statutes included in the plaintiffs' waiver are the Fair Labor Standards Act and the Illinois Minimum Wage Law. As these statutes require court approval for waiver, the parties request that the court enter an order approving their agreement to dispose of this matter through settlement.
3. No party has filed a motion for certification of the collective class, as such there is no class, and this settlement is on an individual basis.
4. The parties participated in a settlement conference with the Honorable Magistrate Judge Cox and have held extensive arms-length negotiations in jointly drafting the settlement agreement.

5. The Plaintiffs' claims are disputed by Defendants and the parties believe it is in their mutual best interest to resolve this case.

6. Pursuant to the agreement, Defendants have agreed to execute their obligations within thirty days of the Court's approval of this Agreement.

7. The Agreement will be provided to this Court for review.

8. All parties have reviewed the agreement and understand their obligations therein.

9. The parties stipulate pursuant to Fed.R. Civ. P. 41 to the dismissal of this action without prejudice that shall automatically convert to a conversion with prejudice and without costs upon approval of the settlement.

WHEREFORE, the parties respectfully request entry of order approving the settlement of this action and then dismissing this action without prejudice, which shall automatically convert to a dismissal with prejudice and without costs on the date of approval of the settlement pursuant to the stipulation of the parties.

Dated September 29, 2017

Respectfully Submitted,

By: /s/ John Kunze

One of the Attorneys for the Plaintiffs

By: /s/ Ken S. McLaughlin, Jr.

One of the Attorneys for the Defendants.

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